HSCA-08

To Quin Shea from Harold Weisberg King assassination appeals 1/ 2/23/79
re Oliver Patterson records, FBIHQ

With an undated covering form letter not very long ago I received what is described as FBIHQ records but is not described as all of them and I am certain is not all of them relating to Patterson. Particularly his role in the King assassination investigation.

More recently I received incomplete compliance from the St. Louis Field Office files and have read all or almost all of those records. I have just reviewed the FBIHQ copies and appeal, even though I may have already filed an appeal prior to receiving the St. Louis records. One reason for this is FBIHQ withholding of what is disclosed in the field office copies and what was within the public domain by other means. Another is the distinct possibility that may or may not be separate from an FOIA matter of FBI misleading of the Department in connection with Patterson and the House assassins committee and separate therefrom.

There is extensive use of the b2 exemption in records I received subsequent to your testimony relating to that exemption. It appears to have been used in connection with the withholding of the Patterson name, symbol identification and file numbers, all of which I believe are improper and unnecessary, especially when all of these records were processed subsequent to my filing his privacy waiver. (In almost all instances his name is obliterated in FBIHQ files as provided to me.)

His code name was Mail. If my recollection is correct, from records released by the FBI his symbol was SL 1495-R. Also from recollection and from an FBI record a 170 file where there is obliteration on the copies has been disclosed with a record holding 170-1767A-105. There also is withholding of the 134 file number appearing to extend to Serials. At least on those copies no Serial Numbers are indicated.

Out of chronological sequence because of its apparent importance I call to your attention that although Patterson was alleged to be no more than a run-of-the-mill R informant in connection with House assassins committee matters coordination was required with the Department's or rather the FBI's Top Echelon Criminal Informant Unit. I believe this makes it fairly clear that Patterson's real role was in the Ray/King case, including spying on the James and John Ray defenses.

While FBIHQ records are carefully drawn to represent that if by inadvertence he came accross any defense information he was not to report it in fact it is reported in the non-FBIHQ records I have. If it clearly incompletely.

There is clear relevance to James and Jerry and John Ray in these records none of which were provided earlier despite assurance to the Court and to me. The names are in the records. I am not merely representing my understanding of content, which is clear enough. All the names are mentioned.

I fail to see declassification requirements being met and I believe a record that bore no classification is marked as declassified. (Example: 105-66233-2037). In this record there are three obliterations on the first page alone for which no exemption is indicated as claimed. My belief is that the withheld information at least includes what is within the public domain if all isn't.)

Despite your contrary testimony FBI names are withheld. I cannot give the full file identification because part is withheld. But in the 134 file, Serial 4 illustrates this. Despite your testimony and what I understand to be case law there is claim to 7D on page 3. I am certain there is no secrecy about the method. Embarrassment, perhaps.

In Serial 9 X entire paragraphs are obliterated. I can't say that no withholding at all is justified but I do ask for a review to determine if there are hidden reasons and if any part is reasonably segregable in an historical case.

Some of the content clearly relates to Patterson. Obliteration extends to portions of the earlier classification review. This is one of the records referring to both James and John Ray and not provided earlier.

The record appears to require an approval and the approval is withheld, meaning what is. Claims are to b1 and 7c. Not long thereafter the FBI had a project going with Patterson and another informer named Gaypert to visit KKK KlanP headquarters and meet with Jerry Ray and others elsewhere in the south. Patterson's expenses and those of his wife were paid.

I have questions about the complete accuracy of this record. Also, the page numbered 3 does not follow that numbered 2. They now read "if he should unavoidably informant travelled..." which does not appear to be a typical FBI use of language or practice of not correcting accidental error. This appears to be a combination of the self-serving representation that Patterson was not to spy on the defense and his travel.

There is total textual obliteration in Serials 10-12, inc. In these Serials there is reference to the KKKP and to Savannah, which is where Patterson and Geppert went in mid-May of that year, following Patterson's phphone call to Jerry Ray of 5/9. Claims are to b1, b2, 7c and 7d. There is also is no copy of what I am certain would have been given to FBIHQ, Jerry Ray's alleged admission of James' guilt. I believe I have sent you a copy of this record and the cover, as HSCA provided it to Patterson and as I do not recall being provided to me with the cover. With the clear purpose of spying on Jerry Ray by the FBI's "original" informer listed as 8 and whose disclosure to HSCA required Top Echelon coordination, perhaps, just perhaps, the claims to exemption are not kosher. I think they are not and ought be examined with care and particular reference to what is within the public domain and was disclosed of the St. Louis records.

Serial 13 make the withholding of Patterson's name ridiculous even if he had not provided the privacy waiver by disclosing his wife's name. Are you sure this theKind of FBI processing you testified to on 1/12?

Serials 14 and 15: I contest that nothing in the texts is reasonably segregable even if the b2 and 7d claims are justified with Patterson and Geppert both known as informers. I believe that if you are not familiar with the Wolfson appe ls court holding on b2 it would be helpful if you and the FBI became familiar with its requirements. In this connection the FBI obtained a signature from Patterson on his recognition that he was not an FBI employee. It is in the field office files. And on the Savannah expedition he was not the only source.

File identification obliterations make specific citation of the immediately following records impossible. They relate to making Patterson available to HSCA, what allegedly the FBI never does in its diligence of never disclosing identifications. It says in FBI affidavits in my cases, anyway.

One of these relates to payments to Patterson. The odds are that one of the reasons for total withholding which is not practice (see the Somersett releases to Dan Christensen and still not to me) is to hide some of the ways in which through Patterson the FBI spent tax money, as in Patterson subsidy, and some of the spying aimed at the Ray defense. The odds also are that some of this will be public before you can receive this appeal.

Copies are not provided of the covers records given HSCA or of the Memorandum of Understanding that is referred to.

I jump ahead to what I will address later I hope you will understand is intended in the Department's interest because of exemption claimed relating to John Ray records. St. Louis Field Office records state that John was thrown back in jail on the basis of executive session testimony by Oliver Patterson and one Clarence Raynes (whose perjury was suborned in federal district court in St. Louis at the time Director Webster sat there). Also, I have sent you a new account of what happened to an innocent man named

Turley as I recall it. This news account also gives the name of the FBI Man who pressed for local prosecution on the charge in which there was acquittal in district court, which may have something to do with the continued withholding of FBI names in historical cases.

Because the records have been withheld I cannot state with certainty what EBOA represented as proof to the Department to have John Ray thrown back in jail. I can state that the St. Louis records say it is only the testimony of this known perjurer Clarence Haynes and of Oliver Patterson.

It happens I also have and can provide the supposedly secret Patterson transcript. He not only gave no such testimony, there is no way he could. He had not met John Ray earlier.

If the St. Louis record are correct then the Department has a problem. If they are not correct then the Department has a different problem but a problem nonetheless. Either way what happened to John Ray is at best dubious and I think represents either a political capitulation without minimal investigation or a political device for supporting the assassins committee whose was and remains devoid of achievement except as it has endorsed the FBI's investigation of the crime.

If the FBI or the Department did not speak to Patterson then how could it know if the representations based on which it tossed John back in jail were correct? If it did speak to him then it is withholding these records from me still.

Now on b2, as I recall your testimony you found its use was not proper, as I've claimed to the FBI fruitlessly from the first time I saw it used in this case. There thus are these questions:

What is the Department going to do about b2 withholding of before and after your testimony and before and after decisions of which I know of Jordan?

You appear to have supported me on the misuse of b2 but it also appears to make no difference, no replacement copies having been provided or even promised, and after your testimony the FBI makes the same knowing misuse.

Does this represent the Department's intent with regard to appeals and if it does what meaning does an appeals ruling have if a component is free to continue the identical misuse and abuse?

I would also like to know how it is possible for even the FBI to withhold a name under privacy or any other claim after a privacy waiver has been provided. I am not just appealing this. I think an explanation really is required. I also believe that a complete reprocessing is required to eliminate this unjustified and unjustifiable claim to a knowingly inapplicable exemption. The Department was the defendant in the Jordan case, a very large part of the ruling is devoted to this question.

Can the claim to 7d be justified with regard to exposed informers, those the FBI arranged to expose, those whose exposure is attributable to FBI action only? Does the Department really want this and similar questions to go before a court? As with b2 and privacy claim after waiver of privacy rights?